

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

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FILE: B-216487.2**DATE:** October 30, 1984**MATTER OF:** Data Base Incorporated**DIGEST:**

Protest that the procuring agency failed to furnish the solicitation to the incumbent contractor is summarily denied where the protester has not alleged or shown that competition and reasonable prices were not obtained and that the failure to furnish the solicitation was the result of a deliberate or conscious effort to exclude the protester from competition.

Data Base Incorporated (DBI) protests award of a contract under invitation for bids (IFB) No. 6995 issued by the United States Geological Survey (Survey), Department of the Interior (Interior).

In accordance with section 21.3(g) of our Bid Protest Procedures, 4 C.F.R. § 21.3(g) (1984), we deny the protest without obtaining a report from the contracting agency, since the protest is without legal merit on its face.

DBI complains that, although it was the incumbent contractor, the IFB was mailed by the Survey to the wrong address with the result that DBI did not receive the IFB. DBI alleges that the correct mailing address was on file at the Survey, but was overlooked.

Interior informally advised our Office that three bids were received in response to the IFB.

Although it is unfortunate that DBI did not receive the IFB, we have held that the failure by an agency to solicit an incumbent contractor does not require resolicitation where adequate competition resulted in reasonable prices and where there was no deliberate or conscious intent on the part of the procuring agency to preclude the incumbent contractor from competing. U. S. Air Tool Co., Inc., B-214159, Feb. 14, 1984, 84-1 C.P.D. ¶ 200. DBI has not alleged or shown that reasonable competition and prices were not

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obtained or that the Survey deliberately or consciously intended to exclude DBI from the competition.

for *Milton J. Fowler*
Comptroller General
of the United States